

RECEIVED  
CENTRAL FAX CENTER  
JUL 11 2006

**REMARKS**

**I. Request for Continued Examination**

This amendment/reply is submitted in response to the Office Action dated April 19, 2006. An RCE is also submitted herewith. Applicant requests entry of the amended claims and remarks.

**II. Claim Rejections – 35 U.S.C. § 103**

***Requirements for Prima Facie Obviousness***

The obligation of the examiner to go forward and produce reasoning and evidence in support of obviousness is clearly defined at M.P.E.P. §2142:

The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.

M.P.E.P. §2143 sets out the three basic criteria that a patent examiner must satisfy to establish a *prima facie* case of obviousness:

1. some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;
2. a reasonable expectation of success; and
3. the teaching or suggestion of all the claim limitations by the prior art reference (or references when combined).

It follows that in the absence of such a *prima facie* showing of obviousness by the Examiner (assuming there are no objections or other grounds for rejection), an applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443 (Fed. Cir. 1992). Thus, in order to support an obviousness rejection,

the Examiner is obliged to produce evidence compelling a conclusion that each of the three aforementioned basic criteria has been met.

***Steiner in view of Lightner***

Claims 1-4 and 11, 13-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Steiner (U.S. Patent No. 6,577,226) in view of Lightner, et al., hereinafter "Lightner" (U.S. Patent No. 6,732,031).

Regarding claims 1-3, 11, 13-16, the Examiner argued that Steiner teaches a latch communications system (citing FIG. 2 of Steiner), comprising: a communications receiver and transmitter unit (citing reference numeral 68 of Steiner) associated with a latch (citing reference numeral 22 of Steiner); an interface component (citing reference numeral 90 of Steiner) for interfacing with the communications receiver and transmitter unit (citing col. 4, lines 41-45 and col. 4, lines 62-65 of Steiner), wherein the interface component is co-located with the communications receiver and transmitter unit in association with the interface component and the communications and transmitter unit, wherein the interpreter processes information received from the communications receiver and transmitter unit in order to provide latch functionalities (citing col. 4, lines 38-45 of Steiner). The Examiner admitted that Steiner is silent on the teaching of providing latch diagnostics. The Examiner argued, however, that Lightner is an art related vehicle diagnostic system for vehicle invention that teaches a host computer (citing reference numeral 12 of Lightner) interfacing with a vehicle system for providing diagnostic including the status of the door lock system (citing col. 6, lines 36-40 of Lightner) in order to characterize a vehicle performance and to detect problems relating to the operation of the vehicle.

The Examiner asserted that it would have been obvious to one of ordinary skill in the art for the interpreter to provide latch diagnostics in Steiner as evidence

by Lightner, because the Examiner argued that Steiner teaches a wireless control system for a vehicle for controlling the vehicle functionalities and teaches a host computer interfacing with a vehicle system for providing diagnostic including the status of the door lock system in order to characterize a vehicle performance and to detect problems relating to the operation of the vehicle.

The Applicant respectfully disagrees with this assessment. Regarding Applicant's amended claim 1, neither Steiner nor Lightner teach, suggest or disclose alone or in combination with one another ALL of the following claim limitations:

a host computer and a wireless network;

a communications receiver and transmitter unit associated with a latch, wherein said communications receiver and transmitter unit comprises a wireless communications component for communicating with said host computer via said wireless network;

an interface component for interfacing with said communications receiver and transmitter unit, wherein said interface component is co-located with said communications receiver and transmitter unit in association with said latch;

an interpreter associated with said interface component and said communications receiver and transmitter unit, wherein said interpreter processes information received from said communications receiver and transmitter unit in order to provide latch diagnostics and functionalities.

Steiner does not teach a wireless network as taught by Applicant's claim 1. Similarly Lightner also does not teach such a wireless network in combination with a host computer for the purpose of providing latch diagnostics and functionalities as taught by amended claim 1. This argument also applies equally against the rejection to claims 2-3, 11 and 13-16.

Regarding Applicant's amended claim 2, neither Steiner nor Lightner teach, suggest or disclose alone or in combination with one another a wireless network comprising one or more of the following: types of wireless networks: a personal area network, a GSM network, a GPRS network, a CDMA network, a paging network, a TDMA network, a CDPD network, a WIN network, an 802.11 network, or a wireless communications protocol network.

Based on the foregoing, the Applicant submits that the Examiner's rejection to claim 1-3, 11, 13-16 fails under all three prongs of the aforementioned prima facie obviousness test. First, the Examiner has not provided some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings as argued by the Examiner. Second, the Examiner has not provided an explanation of a reasonable expectation of success for such a combination, particularly in light of the evidence above that demonstrates Steiner and/or Lightner lack the essential teaching of claim limitations such as, for example, the interpreter, interface component, and so forth in combination with a host computer and wireless network as taught by Applicant's claims and specification. Third, the Examiner has not providing for the teaching or suggestion of all the claim limitations by the prior art references when combined.

Regarding the issue of motivation with respect to the first prong of the aforementioned prima facie obviousness test, the Applicant reminds the Examiner that the language of the references may not taken out of context and combined them without motivation, in effect producing the words of the claims (and sometimes, not even the words or concepts of the claims), without their meaning or context. The resultant combination would not yield the invention as claimed. The claims are rejected under 35 U.S.C. §103(a) and no showing has been made to provide the motivation as to why one of skill in the art would be motivated to make such a combination, and further fails to provide the teachings necessary to fill the gaps in these references in order to yield the invention as claimed. The rejections under 35 U.S.C. §103(a) have provided no more motivation than to simply point out the individual words of the Applicant's claims among the references, but without the reason and result as provided in the Applicant's claims and specification, and without reason as to why and how the references could provide the Applicant's

invention as claimed. Hindsight cannot be the basis for motivation, which is not sufficient to meet the burden of sustaining a 35 U.S.C. §103(a) rejection.

Thus, claims 1-3, 11, and 13-16 of the present invention are not taught or suggested by Steiner and/or Lightner. Combining these references fails to teach or yield the invention as claimed. The combination of these references fails to teach or suggest all the elements of the claims. Further, one of skill in the art would not be motivated to make such a combination. Therefore, the present invention is not obvious in light of any combination of Steiner and/or Lightner. Withdrawal of the §103(a) rejection to claims 1-3, 11, and 13-16 is therefore respectfully requested.

Regarding claims 4 and 17, the Examiner argued that Steiner teaches a wired connection between the interpreter 66 and the transceiver 68 as shown in FIG. 2. The Applicant respectfully disagrees with this assessment and notes that the arguments presented above against the rejection to claims 1-3, 11, and 13-16 apply equally to the rejection to claims 4 and 17. As such, claims 4 and 17 of the present invention are not taught or suggested by Steiner and/or Lightner. Combining these references fails to teach or yield the invention as claimed. The combination of these references fails to teach or suggest all the elements of the claims. Further, one of skill in the art would not be motivated to make such a combination. Therefore, the present invention is not obvious in light of any combination of Steiner and/or Lightner. Withdrawal of the §103(a) rejection to claims 4 and 17 is therefore respectfully requested.

#### **Steiner, Lightner, Heaston**

Claims 5 and 8 were rejected by the Examiner under 35 U.S.C. 103(a) as being unpatentable over Steiner in view of Lightner and further in view of Heaston et al., hereinafter "Heaston" (U.S. Patent No. 5,748,422).

Regarding claims 5 and 18, the Examiner argued that Steiner teaches a wired connection between the interpreter (citing reference numeral 66 of Steiner) and the transceiver (citing reference numeral 68) as shown in FIG. 2 of Steiner. The Examiner admitted that Steiner is silent on teaching a voltage level shifter for transforming voltage level for communication within the interface component. The Examiner argued, however, that Heaston et al in an art related power latch invention teaches the use of a voltage level shifter for transforming a voltage to a desired level (citing col. 6, lines 21-30 of Heaston) in order to satisfy the voltage level requirement of an interface unit.

The Examiner therefore argued that it would have been obvious to one of ordinary skill in the art to have a voltage level shifter in Steiner in view of Lightner as evidence by Heaston because Onuma et al (?) suggests an interpreter interfacing with the transceiver and Heaston teaches the use of a voltage level shifter for transforming a voltage to a desired level in order to satisfy the voltage level requirement of an interface unit.

The Applicant respectfully disagrees with this assessment and submits that the arguments provided above against the rejection to claims 1-4 and 11, 13-17 with respect to Steiner and Lightner apply also to the rejection to claims 5 and 18.

Based on the foregoing, the Applicant submits that the Examiner's rejection to claim 5 and 18 fails under all three prongs of the aforementioned prima facie obviousness test. First, the Examiner has not provided some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings as argued by the Examiner. Second, the Examiner has not provided an explanation of a reasonable expectation of success for such a combination. Third, the Examiner has not providing for the teaching or suggestion of all the claim limitations by the prior art references when combined.

Regarding the issue of motivation with respect to the first prong of the aforementioned prima facie obviousness test, the Applicant reminds the Examiner that the language of the references may not taken out of context and combined them without motivation, in effect producing the words of the claims (and sometimes, not even the words or concepts of the claims), without their meaning or context. The resultant combination would not yield the invention as claimed. The claims are rejected under 35 U.S.C. §103(a) and no showing has been made to provide the motivation as to why one of skill in the art would be motivated to make such a combination, and further fails to provide the teachings necessary to fill the gaps in these references in order to yield the invention as claimed. The rejections under 35 U.S.C. §103(a) have provided no more motivation than to simply point out the individual words of the Applicant's claims among the references, but without the reason and result as provided in the Applicant's claims and specification, and without reason as to why and how the references could provide the Applicant's invention as claimed. Hindsight cannot be the basis for motivation, which is not sufficient to meet the burden of sustaining a 35 U.S.C. §103(a) rejection.

Thus, claims 5 and 18 of the present invention are not taught or suggested by Steiner and/or Lightner and/or Heaston. Combining these references fails to teach or yield the invention as claimed. The combination of these references fails to teach or suggest all the elements of the claims. Further, one of skill in the art would not be motivated to make such a combination. Therefore, the present invention is not obvious in light of any combination of Steiner and/or Lightner and/or Heaston. Withdrawal of the §103(a) rejection to claims 5 and 18 is therefore respectfully requested.

#### **Steiner, Lightner, Knight**

Claims 6-10, 12, and 19-20 were rejected under 35 U.S.C. 103(a) by the Examiner as being unpatentable over Steiner in view of Lightner and further in view

of Knight et al, hereinafter "Knight" (U.S. Patent Application Publication No. 20030167345).

Regarding claims 6-10, 12, and 19-20, the Examiner argued that Steiner teaches an interface for transmitting and receiving data between the transceiver (citing reference numeral 68 of Steiner) and the controller (arguing "interpreter" and citing reference numeral 66 of Steiner) as shown in FIG. 2 of Steiner. The Examiner admitted that Steiner is silent on teaching the interface comprises a UART. The Examiner argued, however, that Knight in an art related vehicle communications system invention teaches the use of a UART in the vehicle communication interface (citing paragraph 00189 of Knight) and that the UART transmits in parallel by assembling the bit received into bytes and transmitting the assembled bytes to the processor (citing paragraph 00188 of Knight). The Examiner also argued that Knight further teaches integrating the UART and having the UART separate (citing paragraph 0164 of Knight) based on the desired application.

The Examiner argued that it would have been obvious to one of ordinary skill in the art for the interface to comprise a UART in Steiner in view of Lightner as evidenced by Knight because the Examiner asserted that Steiner suggests an interface for transmitting and receiving data between the transceiver 68 and the controller and Knight teaches the use of a UART in a vehicle communication system in order to facilitate the transfer of data between devices with different communication protocol.

The Applicant respectfully disagrees with this assessment and notes that the arguments presented above against the rejection to claims 1-4 and 11, 13-17 apply equally to the rejection to claims 6-10, 12, and 19-20.

Based on the foregoing, the Applicant submits that the Examiner's rejection to claim 6-10, 12, and 19-20 fails under all three prongs of the aforementioned prima



facie obviousness test. First, the Examiner has not provided some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings as argued by the Examiner. Second, the Examiner has not provided an explanation of a reasonable expectation of success for such a combination. Third, the Examiner has not providing for the teaching or suggestion of all the claim limitations by the prior art references when combined.

Regarding the issue of motivation with respect to the first prong of the aforementioned prima facie obviousness test, the Applicant reminds the Examiner that the language of the references may not taken out of context and combined them without motivation, in effect producing the words of the claims (and sometimes, not even the words or concepts of the claims), without their meaning or context. The resultant combination would not yield the invention as claimed. The claims are rejected under 35 U.S.C. §103(a) and no showing has been made to provide the motivation as to why one of skill in the art would be motivated to make such a combination, and further fails to provide the teachings necessary to fill the gaps in these references in order to yield the invention as claimed. The rejections under 35 U.S.C. §103(a) have provided no more motivation than to simply point out the individual words of the Applicant's claims among the references, but without the reason and result as provided in the Applicant's claims and specification, and without reason as to why and how the references could provide the Applicant's invention as claimed. Hindsight cannot be the basis for motivation, which is not sufficient to meet the burden of sustaining a 35 U.S.C. §103(a) rejection.

Thus, claims 6-10, 12, and 19-20 of the present invention are not taught or suggested by Steiner and/or Lightner and/or Knight. Combining these references fails to teach or yield the invention as claimed. The combination of these references fails to teach or suggest all the elements of the claims. Further, one of skill in the art would not be motivated to make such a combination. Therefore, the present

invention is not obvious in light of any combination of Steiner and/or Lightner and/or Knight. Withdrawal of the §103(a) rejection to claims 6-10, 12, and 19-20 is therefore respectfully requested.

### III. Conclusion

In view of the foregoing discussion, the Applicant has responded to each and every rejection of the Official Action. The Applicant has clarified the structural distinctions of the present invention. Applicant respectfully requests the withdrawal of the rejections under 35 U.S.C. §103 based on the preceding remarks. Reconsideration and allowance of Applicant's application is also respectfully solicited.

Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact the undersigned representative to conduct an interview in an effort to expedite prosecution in connection with the present application.

Respectfully submitted,



Dated: July 11, 2006

Kermit Lopez  
Attorney for Applicants  
Registration No. 41,953  
ORTIZ & LOPEZ, PLLC  
P.O. Box 4484  
Albuquerque, NM 87196-4484